month to and including November 28, 2001 accompanies this response.

REMARKS

Applicants have carefully studied the Office Action mailed September 28, 2001, which issued in connection with the above-identified application. The present response is intended to be fully responsive to all points raised by the Examiner. Favorable reconsideration and an early action on the merits is respectfully requested.

Restriction Requirement

The Examiner has required restriction to one of the following Groups under 35 U.S.C. § 121:

Group I: Claims 1-10, 16, and 18-20, drawn to a method of treating prostate cancer using an antibody which binds ErbB2.

Group II: Claims 11-12 and 17, drawn to a method of treating prostate cancer using an antibody which binds ErbB2 and a chemotherapeutic agent.

Group III: Claims 13-14 and 21, drawn to an article of manufacture comprising an antibody which binds ErbB2.

In the Office Action, the Examiner contends that the groups are distinct because (i) the methods of Group I and Group II all require unique materials, and will

effect a distinct therapeutic response. Group I treats cancer using an antibody alone. Group II treats cancer using an antibody and a chemotherapeutic agent. Thus the Examiner contends that these groups require distinct searches and grounds of consideration. The examiner also contends that claims of Group I or II and Group III are related as product and process of use and that in the instant case the antibody of Group III can be used for a materially different process, such as a diagnostic test, or isolation of polypeptide.

In order to be fully responsive to the Requirement for Restriction, applicant hereby elects, without traverse, to prosecute the claims of Group I (claims 1-10, 16 , and 18-20).

Respectfully submitted,

Dated: November 28, 2001

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